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Edward R. Gates
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston MA 02210

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OFFICE OF PETITIONS

Applicant: Foss et al.
Appl. No.: 10/785,320
Filing Date: February 24, 2004
Title: ORAL USE OF METHYLNALTREXONE AND RELATED COMPOUNDS TO
INDUCE LAXATION IN CHRONIC OPIOID USERS
Attorney Docket No.: Po452.7011US03
Pub. No.: US 2004/0167147 A1
Pub. Date: August 26, 2004

This is a decision on the request for a corrected patent application publication under
37 CFR 1.221(b), filed on September 15, 2004 for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors, as "laxation" is misprinted as "Taxation" in the abstract, claim 1 and claim 4.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The errors noted by requestor wherein "laxation" is misprinted as "Taxation" in the abstract, claim 1 and claim 4 are Office errors, but the mistakes are minor typographical error, which are clearly understandable to one of ordinary skill in reading the abstract, specification and the claims. The application is directed to a medical method to induce laxation, which has nothing in relation to "taxation", thus it is clearly a typographical error. The mistakes are minor typographical errors, which are clearly understandable from reading the claims in which the terms are used, as terms are not read in a vacuum. The mistake does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct 10, 2000) (final rule).

Furthermore, these are not material errors since the Image File Wrapper (IFW) for this application is available to the public, as of its publication date.

The error is also not a material mistake because the application is a Continuation of U.S. Application 10/357,669 filed February 4, 2003, now U.S. Patent Application Publication 2003/0187010 A1. Since, the parent application is published and contains the information printed correctly, the error does not affect the public's ability to appreciate the technical disclosure of the patent application publication.

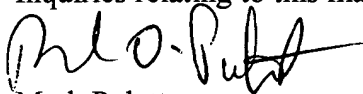
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
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P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709 (voice)



Mark Polutta
Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
For Patent Examination Policy